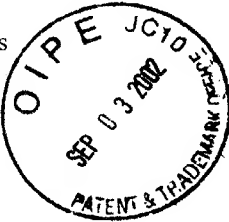


**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name		CINDY HUNG	
Signature		Date	
<b>RESPONSE TO RESTRICTION REQUIREMENT</b>  Address to: Commissioner for Patents Washington, D.C. 20231  		Attorney Docket (Confirmation No.)	UCAL168 8751
		First Named Inventor	E. Raz
		Application Number	09/848,986
		Filing Date	May 4, 2001
		Group Art Unit	1632
		Examiner Name	D.T. Nguyen
		Title: "Agents that modulate DNA-PK activity and methods of use thereof"	

**RECEIVED**

SEP 06 2002

TECH CENTER 1600/2900

Sir:

This is in response to the Restriction Requirement dated August 5, 2002. The Restriction Requirement set forth a one-month time period for response, making a response due on or before September 5, 2002. Accordingly, this response is timely filed.

**I. REMARKS**

In the Restriction Requirement, the Examiner required election of one of the following groups of claims:

- Group I: Claims 1-7, drawn to a method for modulating cell death in a eukaryotic cell;
- Group II: Claims 8-12, drawn to an assay for identifying an agent that modulates a biological activity of DNA-PK;
- Group III: Claim 13, drawn to a composition comprising an agent identified by the method of claim 8.

Applicants hereby elect to prosecute the claims of Group II (claims 8-12), with traverse.

This election is made with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on claims 1-13 together. Accordingly, Applicants traverse the restriction requirement.

Applicants expressly reserve the right under 35 USC §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application.

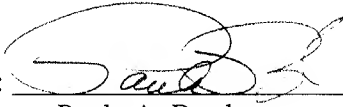
COPY OF PAPERS  
ORIGINALLY FILED

## II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCAL168.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: Aug-27-2002

By:   
Paula A. Borden  
Registration No. 42,344

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231